

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh Road Development Corporation – APSHP –APSH-1- Widening and Strengthening of Warangal – Raipatnam Road – 2nd set of claims – OP No. 1589/2005 filed by the Employer – CMAMP No. 482/2008 in CMA No. 1324/2008 filed by the Department – Sanction of decretal amount Rs. 60.00 lakhs – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (R.IV) DEPARTMENT

G.O.Rt.No. 608

Dated: 24-6-2010.

Read the following:

1. Lr.No. 168/MDRDC / APSH-1/OP No. 1589/05- Attachment / 2009, dt. 22-1-2010 of Chief Engineer (R&B) Core Road Network and Managing Director, Hyderabad.
2. Lr.No. 168/MDRDC / APSH-1/OP No. 1589/05- Attachment / 2009, dt. 4-3-2010 of Chief Engineer (R&B) Core Road Network and Managing Director, Hyderabad.

ORDER:

The Chief Engineer (R&B) Core Road Network & Managing Director, Andhra Pradesh Road Development Corporation in the reference 2nd read above, has stated that M/s. IRCON International Ltd., has referred 2nd set of claims (6 claims) of Package No. 1 “Widening and Strengthening of Warangal-Raipatnam Road” to the Dispute Review Board (DRB). The Dispute Review Board has recommended to reject all 6 claims of the contractor on 30-8-2003. The contractor has referred all the rejected claims by the Dispute Review Board to Arbitration on 11-9-2003 and the Arbitration Tribunal, after hearing both the parties has pronounced the Award on the claims on 9-12-2004 duly awarding two claims in favour of contractor and rejecting the remaining 4 claims. Further the Employer has filed O.P.No. 1589/2005 in City Civil Court, Hyderabad to set aside the award given by the Arbitral Tribunal in the year 2005. The City Civil Court has dismissed the OP No. 1589/2005 on 7-2-2008 filed by the Employer. Further the Employer has filed an appeal in the High Court of AP vide CMA No. 1324/2008, dt. 20-8-2008 with a request to set aside the award of the City Civil Court, Hyderabad.

2. In the mean while M/s. IRCON has filed EP 121 of 2008 in the month of December 2008. The City Civil Court has executed the EP 121/2008 duly issuing the warrant of attachment of Movable Property in execution of decree for money of Rs. 1,83,68,516/- on 2-11-2009. The Advocate General of AP filed a Memo before the High Court for grant of stay on EP filed by M/s. IRCON International Ltd. The High Court has granted interim stay on 21-1-2010 for 4 weeks on the condition that an amount of Rs. 60.00 Lakhs to be paid into the account of EP 121/2008. The department has made a submission in the lower court of Chief Judge, City Civil Court for further extension of time for depositing of the ordered amount of Rs. 60.00 Lakhs. The Chief Judge, City Civil Court has further

extended time up to 9-3-2010. The Chief Engineer (R&B) Core Road Network & Managing Director, Andhra Pradesh Road Development Corporation in the reference 1st read above, has requested the Government to sanction an amount of Rs. 60,00,000/- so as to deposit the same to the credit of OP No. 1589/2005 in the court and to continue proceedings in the OP No. 1589/2005 in the High Court of AP.

3. Government after careful examination of the matter, hereby accord sanction for an amount of Rs. 60,00,000/- (Rupees Sixty Lakhs only) towards payment of decretal charges for widening and strengthening of Warangal-Raipatnam Road as per judgement in OP No. 1589/2005, dt. 7-2-2008.

4. The Expenditure towards the above sanction shall be met from the Contingency fund as an advance towards decretal charges under the Head of Account "5054-COL on Roads and Bridges – 04 – District and other Roads – MH 800-Other Expenditure – GH -11- Normal State Plan – SH (30) Road Development works under APSHP – 530-Major works – 531 other Expenditure (Charged)" orders regarding release of the amount from the contingency fund will be issued by Finance (BG) Department separately.

5. The Chief Engineer (R&B) Core Road Network & Managing Director, Andhra Pradesh Road Development Corporation shall take action accordingly. He is requested to proposals to Government at appropriate time for obtaining supplementary grant to recoup the advance sanctioned from the contingency fund during the current financial year 2010-11.

6. This order issues with the concurrence of Finance (Expr.PW) Department vide their U.O.No. 015527/435/A2/Expr.PWD/10, dt. 14-6-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. LAKSHMI PARTHASARATHY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Engineer (R&B) Core Road Network &
Managing Director,
Andhra Pradesh Road Development Corporation,
Hyderabad.
The Accountant General, AP, Hyderabad.
The Pay and Accounts Officer, Hyderabad.
The Director of Works Accounts, Hyderabad.
The District Treasury Authority, Hyderabad.
The Finance (Expr.PW) Department
The Finance (BG) Department
The PS to M(R&B)
The PS to Prl Secretary to Government, R&B Department
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER

